

**Thomas Jefferson to William Wirt, August 14, 1814,  
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Leicester Ford.**

**TO WILLIAM WIRT J. MSS.**

Monticello, August 14, 1814.

Dear Sir, —I have been laying under contribution my memory, my private papers, the printed records, gazettes and pamphlets in my possession, to answer the inquiries of your letter of July 27, and I will give you the result as correctly as I can. I kept no copy of the paper I sent you on a former occasion on the same subject, nor do I retain an exact recollection of its contents. But if in that I stated the question on the loan office to have been in 1762, I did it with too slight attention to the date, although not to the fact. I have examined the journals of the House of Burgesses, of 1760—1—2, in my possession, and find no trace of the proceeding in them. By those of 1764, I find that the famous address to the king, and memorials to the Houses of Lords and Commons, on the proposal of the Stamp Act, were of that date; and I know that Mr. Henry was not a member of the legislature when they were passed. I know also, because I was present, that Robinson (who died in May, 1766,) was in the chair on the question of the loan office. Mr. Henry, then, must have come in between these two epochs, and consequently in 1765. Of this year I have no journals to refresh my memory. The first session was in May, and his first remarkable exhibition there was on the motion for the establishment of an office for lending money on mortgages of real property. I find in Royle's *Virginia Gazette*, of the 17th of that month this proposition for the loan office brought forward, its advantages detailed, and the plan explained; and it seems to have been done by a borrowing member, from

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the feeling with which the motives are expressed; and to have been preparatory to the intended motion. This was probably made immediately after that date, and certainly before the 30th, which was the date of Mr. Henry's famous resolutions. I had been intimate with Mr. Henry since the winter of 1759–60, and felt an interest in what concerned him, and I can

never forget a particular exclamation of his in the debate in which he electrified his hearers. It had been urged that from certain unhappy circumstances of the colony, men of substantial property had contracted debts, which, if exacted suddenly, must ruin them and their families, but, with a little indulgence of time, might be paid with ease. "What, Sir!" exclaimed Mr. Henry, in animadverting on this, "is it proposed then to reclaim the spendthrift from his dissipation and extravagance, by filling his pockets with money." These expressions are indelibly impressed on my memory. He laid open with so much energy the spirit of favoritism on which the proposition was founded, and the abuses to which it would lead, that it was crushed in its birth. Abortive motions are not always entered on the journals, or rather, they are rarely entered. It is the modern introduction of yeas and nays which has given the means of placing a rejected motion on the journals; and it is likely that the speaker, who, as treasurer, was to be the loan officer, and had the direction of the journals, would choose to omit an entry of the motion in this Case. This accounts sufficiently for the absence of any trace of the motion in the journals. There was no suspicion then, (as far, at least, as I know,) that Robinson had used the public money in private loans to his friends, and that the secret object of this scheme was to transfer those debtors to the public, and thus clear his accounts. I have diligently examined the names of the members on the journals of 1764, to see if any were still living to whose memory we might recur on this subject, but I find not a single one now remaining in life.

Of the parson's cause I remember nothing remarkable. I was at school with Mr. Maury during the years 1758 and 1759, and often heard them inveigh against the iniquity of the

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act of 1758, called the two-penny act. In 1763, when that cause was decided in Hanover, I was a law-student in Williamsburg,

and remember only that it was a subject of much conversation, and of great paper-controversy, in which Camm and Colonel Bland were the principal champions.

The disputed election in which Mr. Henry made himself remarkable, must have been that of Dandridge and Littlepage, in 1764, of which, however, I recollect no particulars, although I was still a student in Williamsburg, and paid attention to what was passing in the legislature.

I proceed now to the resolution of 1765. The copies you enclose me, and that inserted by Judge Marshall in his history, and copied verbatim by Burke, are really embarrassing by their differences. 1. That the four resolutions taken from the records of the House, is the genuine copy of what they passed, as *amended* by themselves, cannot be doubted. 2. That the copy which Mr. Henry left sealed up, is a true copy of these four resolutions, as *reported* by the committee, there is no reason to doubt. 3. That Judge Marshall's version of three of these resolutions, (for he has omitted one altogether,) is from an unauthentic source is sufficiently proved by their great variation from the record in diction, although equivalent in sentiment. But what are we to say of Mr. Henry's fifth, and Mr. Marshall's two last, which we may call the sixth and seventh resolutions? The fifth has clearly nothing to justify the debate and proceedings which one of them produced. But the sixth is of that character, and perfectly tallies with the idea impressed on my mind, of that which was expunged. Judge Marshall tells us that two were disagreed to by the House, which may be true. I do not indeed recollect it, but I have no recollection to the contrary. My hypothesis, then, is this, that the two disagreed to were the fifth and seventh. The fifth, because merely tautologous of the third and fourth, and the seventh, because leading to individual persecution, for which no mind was then prepared. And that the sixth was the one passed by the House, by a majority of a single vote, and expunged from the journals the next day. I was standing at the door of communication

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between the house and lobby during the debates and vote, and well remember, that after the numbers on the division were told, and declared from the chair, Peyton Randolph (then Attorney General) came out at the door where I was standing, and exclaimed, "By God, I would have given one hundred guineas for a single vote." For one vote would have divided the house, and Robinson was in the chair, who he knew would have negatived the resolution. Mr. Henry left town that evening, or the next morning; and Colonel Peter Randolph, then a member of the Council, came to the House of Burgesses about 10 o'clock of the forenoon, and sat at the clerk's table till the House-bell rang, thumbing over the volumes of Journals to find a precedent of expunging a vote of the House, which he said had taken place while he was a member or clerk of the House, I do not recollect which. I stood by him at the end of the table a considerable part of the time, looking on as he turned over the leaves, but I do not recollect whether he found the erasure. In the meantime, some of the timid members, who had voted for the strongest resolution, had become alarmed, and as soon as the House met, a motion was made, and carried, to expunge it from the journals. And here I will observe, that Burke's statement with his opponents, is entirely erroneous. I suppose the original journal was among those destroyed by the British, or its obliterated face might be appealed to. It is a pity this investigation was not made a few years sooner, when some of the members of the day were still living. I think inquiry should be made of Judge Marshall for the source from which he derived his copy of the resolutions. This might throw light on the sixth and seventh, which I verily believe, and especially the sixth, to be genuine in substance. On the whole, I suppose the four resolutions which are on the record, were passed and retained by the House; that the sixth is that which was passed by a single vote and expunged, and the fifth and seventh, the two which Judge Marshall says were disagreed to. That

Mr. Henry's copy, then, should not have stated all this. is the remaining difficulty. This copy he probably sealed up long after the transaction, for it was long afterwards that these resolutions, instead of the address and memorials of the preceding year, were looked back to as the commencement of legislative opposition. His own judgment may, at a later

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date, have approved of the rejection of the sixth and seventh, although not of the fifth, and he may have left and sealed up a copy, in his own handwriting, as approved by his ultimate judgment. This, to be sure, is conjecture, and may rightfully be rejected by any one to whom a more plausible solution may occur; and there I must leave it. The address of 1764 was drawn by Peyton Randolph. Who drew the memorial to the Lords I do not recollect, but Mr. Wythe, drew that to the Commons. It was done with so much freedom, that, as he has told me himself, his colleagues of the committee shrank from it as bearing the aspect of treason, and smoothed its features to its present form. He was, indeed, one of the very few, (for I can barely speak of them in the plural number,) of either character, who, from the commencement of the contest, hung our connection with Great Britain on its true hook, that of a common king. His unassuming character, however, made him appear as a follower, while his sound judgment kept him in a line with the freest spirit. By these resolutions, Mr. Henry took the lead out of the hands of those who had heretofore guided the proceedings of the House, that is to say, of Pendleton, Wythe, Bland, Randolph, Nicholas. These were honest and able men, had begun the opposition on the same grounds, but with a moderation more adapted to their age and experience. Subsequent events favored the bolder spirits of Henry, the Lees, Pages, Mason, &c., with whom I went in all points. Sensible, however, of the importance of unanimity among our constituents, although we often wished to have gone faster, we slackened our pace, that our less ardent colleagues might keep up with us; and they, on their part, differing nothing from us in principle, quickened their gait somewhat beyond that which their prudence might of itself have advised, and thus consolidated the

phalanx which breasted the power of Britain. By this harmony of the bold with the cautious, we advanced with our constituents in undivided mass, and with fewer examples of than, perhaps, existed in any other part of the Union.

I do not remember the topics of Mr. Henry's argument, but those of his opposers were that the same sentiments had been expressed in the address and memorials of the preceding session, to which an answer was expected and not yet received. I well remember the cry

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of treason, the pause of Mr. Henry at the name of George the III., and the presence of mind with which he closed his sentence, and baffled the charge vociferated. I do not think he took the position in the middle of the floor which you mention. On the contrary, I think I recollect him standing in the very place which he continued afterwards habitually to occupy in the house.

The censure of Mr. E. Randolph on Mr. Henry in the case of Philips, was without foundation. I remember the case, and took my part in it. Philips was a mere robber, who availing himself of the troubles of the times, collected a banditti, retired to the Dismal Swamps, and from thence sallied forth, plundering and maltreating the neighboring inhabitants, and covering himself, without authority, under the name of a British subject. Mr. Henry, then Governor, communicated the case to me. We both thought the best proceeding would be by bill of attainder, unless he delivered himself up for trial within a given time. Philips was afterwards taken; and Mr. Randolph being Attorney General, and apprehending he would plead that he was a British subject, taken in arms, in support of his lawful sovereign, and as a prisoner of war entitled to the protection of the law of nations, he thought the safest proceeding would be to indict him at common law as a felon and robber. Against this I believe Philips urged the same plea: he was overruled and found guilty.

I recollect nothing of a doubt on the re-eligibility of Mr. Henry to the government when his term expired in 1779, nor can I conceive on what ground such a doubt could have been entertained, unless perhaps that his first election in June, 1776, having

been before we were nationally declared independent, some might suppose it should not be reckoned as one of the three constitutional elections.

Of the projects for appointing a Dictator there are said to have been two. I know nothing of either but by hearsay. The first was in Williamsburg in December, 1776. The Assembly had the month before appointed Mr. Wythe, Mr. Pendleton, George Mason, Thomas

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L. Lee, and myself, to revise the whole body of laws, and adapt them to our new form of government. I left the House early in December to prepare to join the Committee at Fredericksburg, the place of our first meeting. What passed, therefore, in the House in December, I know not, and have not the journals of that session to look into. The second proposition was in June, 1781, at the Staunton session of the legislature. No trace of this last motion is entered on the journals of that date, which I have examined. This is a further proof that the silence of the journals is no evidence against the fact of an abortive motion. Among the names of the members found on the journal of the Staunton session, are John Taylor of Caroline, General Andrew Moore, and General Edward Stevens of Culpeper, now living. It would be well to ask information from each of them, that their errors of memory, or of feeling, may be corrected by collation.

You ask if I would have any objection to be quoted as to the fact of rescinding the last of Mr. Henry's resolutions. None at all as to that fact, or its having been passed by a majority of one vote only; the scene being as present to my mind as that in which I am now writing. But I do not affirm, although I believe it was the sixth resolution.

It is truly unfortunate that those engaged in public affairs so rarely make notes of transactions passing within their knowledge. Hence history becomes fable instead of fact. The great outlines may be true, but the incidents and coloring are according to the faith or fancy of the writer. Had Judge Marshall taken half your pains in sifting and scrutinizing facts, he would not have given to the world, as true history, a false copy

of a record under his eye. Burke again has copied him, and being a second writer on the spot, doubles the credit of the copy. When writers are so indifferent as to the correctness of facts, the verification of which lies at their elbow, by what measure shall we estimate their relation of things distant, or of those given to us through the obliquities of their own vision? Our records, it is true, in the case under contemplation, were destroyed by the malice and Vandalism of the British military, perhaps of their government, under whose orders they committed so much useless mischief. But printed copies remained, as your

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examination has proved. Those which were apocryphal, then, ought not to have been hazarded without examination. Should you be able to ascertain the genuineness of the sixth and seventh resolutions, I would ask a line of information, to rectify or to confirm my own impressions respecting them. Ever affectionately yours.<sup>1</sup>

<sup>1</sup> Jefferson further wrote to Wirt:

“ Monticello, May 12, '15.

“ Dear Sir,—Among some queries you addressed to me some time ago, was one on the case of Josiah Phillips, which happened early in the revolution. Not aware that the propriety of the proceeding in that case had been questioned and reprehended, my answer was general on that query. An application from another quarter having informed me of the doubts which had been expressed on it, I have bestowed more reflection on it, and I send you an extract from my answer by way of supplement to what I said to you on the subject. I was then thoroughly persuaded of the correctness of the proceeding, and am more and more convinced by reflection. If I am in error, it is an error of principle. I know of no substitute for the process of outlawry, so familiar to our law, or to it's kindred process by act of attainder, duly applied, which could have reached the case of Josiah Phillips. One of these, or absolute impunity seems the only alternative. Ever and affectionately.”

“ Monticello, August 5, 1815.

“ Dear Sir,—Your favor of July 24th came to hand on the 31st, and I will proceed to answer your inquiries in the order they are presented as far as I am able.

“I have no doubt that the fifth of the Rhode Island resolutions of which you have sent me a copy, is exactly the one erased from our journals. The Mr. Lees, and especially Richard Henry, who was industrious, had a close correspondence, I know, with the two Adams', and probably with others in that and the other Eastern States; and I think it was said at the time that copies were sent off by them to the northward the very evening of



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the day on which they were passed. I can readily enough believe these resolutions were written by Mr. Henry himself. They bear the stamp of his mind, strong without precision. That they were written by Johnson who seconded them, was only the rumor of the day, and very possibly unfounded. But how Edmund Randolph should have said they were written by William Fleming, and Mr. Henry should have written that he showed them to William Fleming, is to me incomprehensible. There was no William Fleming then but the judge now living, whom nobody will ever suspect of taking the lead in rebellion. I am certain he was not then a member, and I think was never a member until the revolution had made some progress. Of this, however, he will inform us with candor and truth. His eldest brother, John Fleming, was a member, and a great speaker in debate. To him they may have been shown. Yet I should not have expected this, because he was extremely attached to Robinson, Peyton Randolph, &c., and at their beck, and had no independence or boldness of mind. However, he was attentive to his own popularity, might have been overruled by views to that, and without correction of the christian name, Mr. Henry's note is sufficient authority to suppose he took the popular side on that occasion. I remember nothing to the contrary. The opposers of the resolutions were Robinson, Peyton Randolph, Pendleton, Wythe, Bland, and all the cyphers of the aristocracy. No longer possessing the journals, I cannot recollect nominally the others. They opposed them on the ground that the same principles had been expressed in the petition, &c., of the preceding year, to which an answer, not yet received, was daily expected, that they were therein expressed in more conciliatory terms, and therefore more likely to have good effect. The resolutions were carried chiefly by the vote of the middle and upper country. To state the differences between the classes of society and the lines of demarkation which separated them, would be difficult. The law, you know, admitted none except as to the twelve counsellors. Yet in a country insulated from the European world, insulated from its sister colonies, with whom there was scarcely any intercourse, little visited by foreigners, and having little matter to act upon within itself, certain families have risen to splendor by wealth and the preservation of it from generation to generation under the law entails; some had produced a series of men of talents; families in general had remained stationary on the

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grounds of their forefathers, for there was no emigration to the westward in those days. The wild Irish, who had gotten possession of the valley between the Blue Ridge and North Mountain, forming a barrier over which none ventured to leap, and would still less venture to settle among. In such a state of things, scarcely admitting any change of station, society would settle itself down into several strata, separated by no marked lines, but shading off imperceptibly from top to bottom, nothing disturbing the order of their repose. There were then aristocrats, half-breeds, pretenders, a solid independent yeomanry, looking askance at those above, yet not venturing to jostle them, and last and lowest, a seculum of beings called overseers, the most abject, degraded and unprincipled race, always cap in hand to the Dons who employed them, and furnishing materials for the exercise of their pride, insolence and spirit of domination. Your characters are inimitably and justly drawn. I am not certain if more might not be said of Colonel Richard Bland. He was the most learned and logical man of those who took prominent lead in public affairs, profound in constitutional lore, a most ungraceful speaker, (as were Peyton Randolph and Robinson, in a remarkable degree.) He wrote the first pamphlet on the nature of the connection with Great Britain which had any pretension to accuracy of view on that subject, but it was a singular one. He would set out on sound principles, pursue them logically till he found them leading to the precipice which he had to leap, start back alarmed, then resume his ground, go over it in another direction, be led again by the correctness of his reasoning to the same place, and again back about, and try other processes to reconcile right and wrong, but finally left his reader and himself bewildered between the steady index of the compass in their hand, and the phantasm to which it seemed to point. Still there was more sound matter in his pamphlet than in the celebrated Farmer's letters, which were really but an *ignis fatuus*, misleading us from true principles.

“Landon Carter's measure you may take from the first volume of the *American Philosophical transactions*, where he has one or more long papers on the weevil, and perhaps other subjects. His speeches, like his writings, were dull, vapid, verbose,

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egotistical, smooth as the lullaby of the nurse, and commanding, like that, the repose only of the hearer.

“You ask if you may quote me, first, for the loan office; second, Phillips' case; and third, the addresses prepared for Congress by Henry and Lee. For the two first certainly, because within my own knowledge, especially citing the record in Phillips' case, which of itself refutes the diatribes published on that subject; but not for the addresses, because I was not present, nor know anything relative to them but by hearsay from others. My first and principal information on that subject I know I had from Ben Harrison, on his return from the first session of the old Congress. Mr. Pendleton, also, I am tolerably certain, mentioned it to me; but the transaction is too distant, and my memory too indistinct, to hazard as with precision, even what I think I heard from them. In this decay of memory Mr. Edmund Randolph must have suffered at a much earlier period of life than myself. I cannot otherwise account for his saying to you that Robert Carter Nicholas came into the Legislature only on the death of Peyton Randolph, which was in 1776. Seven years before that period, I went first into the Legislature myself, to-wit: in 1769, and Mr. Nicholas was then a member, and I think not a new one. I remember it from an impressive circumstance. It was the first assembly of Lord Botetourt, being called on his arrival. On receiving the Governor's speech, it was usual to move resolutions as heads for an address. Mr. Pendleton asked me to draw the resolutions, which I did. They were accepted by the house, and Pendleton, Nicholas, myself and some others, were appointed a committee to prepare the address. The committee desired me to do it, but when presented it was thought to pursue too strictly the diction of the resolutions, and that their subjects were not sufficiently amplified. Mr. Nicholas chiefly objected to it, and was desired by the committee to draw one more at large, which he did with amplification enough, and it was accepted. Being a young man as well as a young member, it made on me an impression proportioned to the sensibility of that time of life. On a similar occasion some years after, I had reason to retain a remembrance of his presence while Peyton Randolph was living. On the receipt of Lord North's propositions, in May or June, 1775, Lord Dunmore called

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the assembly. Peyton Randolph, then President of Congress and Speaker of the House of Burgesses, left the former body and came home to hold the assembly, leaving in Congress the other delegates who were the ancient leaders of our house. He therefore asked me to prepare the answer to Lord North's propositions, which I did. Mr. Nicholas, whose mind had as yet acquired no tone for that contest, combated the answer from *alpha to omega*, and succeeded in diluting it in one or two small instances. It was firmly supported, however, in committee of the whole, by Peyton Randolph, who had brought with him the spirit of the body over which he had presided, and it was carried, with very little alteration, by strong majorities. I was the bearer of it myself to Congress, by whom, as it was the first answer given to those propositions by any legislature, it was received with peculiar satisfaction. I am sure that from 1769, if not earlier, to 1775, you will find Mr. Nicholas' name constantly in the journals, for he was an active member. I think he represented James City county. Whether on the death of Peyton Randolph he succeeded him for Williamsburg, I do not know. If he did, it may account for Mr. Randolph's error.

“You ask some account of Mr. Henry's mind, information and manners in 1759–'60, when I first became acquainted with him. We met at Nathan Dandridge's, in Hanover, about the Christmas of that winter, and passed perhaps a fortnight together at the revelries of the neighborhood and season. His manners had something of the coarseness of the society he had frequented; his passion was fiddling, dancing and pleasantry. He excelled in the last, and it attached every one to him. The occasion perhaps, as much as his idle disposition, prevented his engaging in any conversation which might give the measure either of his mind or information. Opportunity was not wanting, because Mr. John Campbell was there, who had married Mrs. Spotswood, the sister of Colonel Dandridge. He was a man of science, and often introduced conversations on scientific subjects. Mr. Henry had a little before broke up his store, or rather it had broken him up, and within three months after he came to Williamsburg for his license, and told me, I think, he had read law

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not more than six weeks. I have by this time, probably, tired you with these old histories, and shall, therefore, only add the assurance of my great friendship and respect.”